

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

AMANDA ORANGKHADIVI,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	
LM GENERAL INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant, LM General Insurance Company, by and through the undersigned counsel, and files this Notice of Removal of the above-captioned action to the United States District Court for the Western District of Missouri, pursuant to 28 U.S.C. §§ 1441 and 1446 and 28 U.S.C. § 1332 and the grounds therefore are hereby stated as follows:

1. On September 28, 2020, Plaintiff filed a Petition in the Circuit Court of Jackson County Missouri at Independence, naming as defendant LM General Insurance Company. On October 15, 2020, Plaintiff filed an Amended Petition. (*See Exhibit A.*) The nature of the dispute between Plaintiff and Defendant concerns Plaintiff's claims against Defendant for breach of contract and uninsured motorist benefits under policy AOS-248-031026-40 6 4 related to an automobile accident that occurred on March 4, 2017.
2. Plaintiff served his Petition on the Missouri Department of Commerce and Insurance on October 14, 2020 and subsequently CSC was served on October 19, 2020.
3. With respect to Plaintiff's claims against Defendant, the Amended Petition alleges claims for breach of contract and uninsured motorist benefits.

4. Complete diversity jurisdiction exists and removal of this matter to the United States District Court for the Western District of Missouri would be proper pursuant to 28 U.S.C. §§ 1332, 1441 and 1446:

- a. Plaintiff, at the time this action commenced and ever since, is a resident of the State of Missouri.
- b. Defendant LM General Insurance Company, at the time this action was commenced and ever since, is incorporated under the laws of the State of Delaware and maintains its principal place of business at 175 Berkeley Street, Boston, Massachusetts.
- c. The matter in controversy, exclusive of interests and costs, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) in that Plaintiff's Petition claims that Defendant breached its contract with Plaintiff and is seeking \$250,000.00 in damages.

5. Because complete diversity of citizenship exists between Plaintiff and Defendant in this suit, and because the amount of controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

6. The Notice of Removal has been filed within thirty (30) days of service on Defendant of Plaintiff's Petition setting forth the claims which it seeks to remove, and, therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

7. The Notice of Filing of Removal (without exhibits), being filed with the Circuit Court of Jackson County, Missouri at Independence, is attached hereto as Exhibit B.

8. Defendant attaches herewith a copy of all process, pleadings, and orders relevant hereto as Exhibit A.

WHEREFORE, Defendant LM General Insurance Company respectfully requests that this Court accept jurisdiction of this action.

Respectfully submitted,

/s/ Oscar P. Espinoza
Oscar P. Espinoza #63640
LAW OFFICES OF STEPHANIE WARMUND
9001 State Line Road, Suite 130
Kansas City, MO 64114
Telephone: 816-627-5316
Facsimile: 603-334-7445
Oscar.Espinoza@libertymutual.com
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent by electronic mail this 12th day of November, 2020 to:

Kyle A. Branson #58770
MOGENSON & BRANSON, LLC
5501 Foxridge Drive
Mission, KS 66202
kyle@mbkclaw.com
ATTORNEYS FOR PLAINTIFF

/s/ Oscar P. Espinoza
Oscar P. Espinoza